

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

In re: ESTRELLA A. KINCAID; JAMES  
KINCAID,

No. 15-15761

Debtors.

D.C. No. 2:13-cv-01032-TLN

ESTRELLA A. KINCAID; JAMES  
KINCAID,

MEMORANDUM\*

Appellants,

v.

SUSAN K. SMITH, Trustee; OFFICE OF  
THE U.S. TRUSTEE,

Appellees.

Appeal from the United States District Court  
for the Eastern District of California  
Troy L. Nunley, District Judge, Presiding

Submitted December 14, 2016\*\*

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Chapter 7 debtors Estrella A. Kincaid and James Kincaid appeal pro se from the district court's judgment dismissing their bankruptcy appeal for failure to prosecute. We have jurisdiction under 28 U.S.C. §§ 158(d), 1291. We affirm.

In their opening brief, debtors fail to address how the district court erred in dismissing their bankruptcy appeal. As a result, they have waived their appeal of the dismissal order. *See Smith v. Marsh*, 194 F.3d 1045, 1052 (9th Cir. 1999) (“[O]n appeal, arguments not raised by a party in its opening brief are deemed waived.”); *see also Greenwood v. FAA*, 28 F.3d 971, 977 (9th Cir. 1994) (“We will not manufacture arguments for an appellant, and a bare assertion does not preserve a claim . . .”).

**AFFIRMED.**